

SCOTT R. TIPTON
3RD DISTRICT, COLORADO

AGRICULTURE
NATURAL RESOURCES
SMALL BUSINESS

REC'D M 50C 11-28-11
218 CANNON HOUSE OFFICE BUILDING
(202) 225-4761

Congress of the United States
House of Representatives
Washington, DC 20515-0603

1260563 - R8 SDMS

November 15, 2011

James B. Martin
Administrator - Region 8
U.S. Environmental Protection Agency
1595 Wynkoop Street
Denver, CO 80202-1129

Dear Administrator Martin:

I am writing to you to express my concern regarding the initiative to place the Upper Cement Creek area on the Superfund National Priorities list. This action would have drastic consequences for the region and for local economies.

The Animas River Stakeholders Group has proposed a collaborative process to improve the water quality in the Animas River. The group has taken great care to include the voices of those affected and formulate an effective, common sense solution. I support the collaborative effort to improve the environmental integrity of this area.

I also believe that the community-based process is a superior option to the Superfund designation. Relying on local efforts that have far and wide an invested interest in the wellbeing of the Animas River and surrounding areas is an ideal alternative. The local stakeholders will be able to produce funds and manpower that the agency cannot make use of on under the Superfund process.

I strongly urge you to consider local solutions to improving water quality in the Animas River.

Sincerely,



Scott Tipton
Member of Congress

R8-11-001-9915



Correspondence Management System

Control Number: R8-11-001-9915

Printing Date: November 28, 2011 06:14:58



Citizen Information

Citizen/Originator: Tipton, Scott

Organization: U.S. House of Representatives
Address: 218 Cannon HOB, Washington, DC 20515

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: R8-11-001-9915

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Dec 12, 2011

of Extensions: 0

Letter Date: Nov 15, 2011

Received Date: Nov 28, 2011

Addressee: R8-Regional Administrator -
Region 8

Addressee Org: N/A

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: R8-Regional Administrator

Signature Date: N/A

File Code: 303-100_132_a Congressional Correspondence Record copy

Subject: Urges EPA not place the Upper Cement Creek are on the Superfund National Priorities List.

Instructions: Please prepare reply for RA signature. Reply must be handcarried for concurrences and signature using the routing slip provided. Questions?? Call Sandy at 312-6604. Thanks!

Instruction Note: N/A

General Notes: N/A

CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Sandy Fells	R8	R8-EPR	Nov 28, 2011	Dec 12, 2011	N/A
Instruction: Please prepare reply for RA signature. Reply must be handcarried for concurrences and signature using the routing slip provided. Questions?? Call Sandy at 312-6604. Thanks!					

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

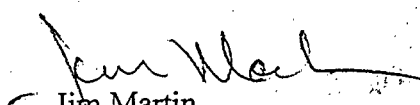
Action By	Office	Action	Date
-----------	--------	--------	------

2188-100-11-88

ongoing operations and maintenance.

The EPA looks forward to continuing the dialogue with local elected officials and the community regarding possible options to address water quality issues in Upper Cement Creek. If you or your staff have further concerns, please contact me, or your staff may wish to contact Sandy Fells, Regional Congressional Liaison, at 303-312-6604 or fells.sandy@epa.gov.

Sincerely,


Jim Martin
Regional Administrator

[Faint, mostly illegible text block]

[Faint, mostly illegible text block]

[Faint, mostly illegible text block]

SCAN 159.pdf



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

DEC 23 2011

Ref: EPR-SA

The Honorable Scott Tipton
U.S. House of Representatives
Washington, DC 20515-0603

Dear Congressman Tipton:

Thank you for your November 15, 2011 letter regarding Upper Cement Creek and the Superfund National Priorities List (NPL).

Your letter identifies concerns that are commonly raised by communities when the United States Environmental Protection Agency (EPA) is evaluating an area for the NPL. Let me assure you that the EPA has not made a decision concerning listing of the Upper Cement Creek area. The decision to propose a site for the NPL can only be made after a technical evaluation is completed to determine if the site is NPL eligible. The EPA is just completing this technical evaluation. In addition, both the State and the EPA seek community support prior to a site being proposed for listing and the EPA wants the community to understand why we are looking at this option.

More than 15 years ago the EPA committed to a community-based environmental protection effort in San Juan County and indicated that Superfund would not be used as long as progress was being made in improving water quality in the Animas River. Unfortunately, water quality has significantly degraded in the Animas River in the last five years. It is evident that historic mine waste in Cement Creek, a tributary of the Animas River, is having a negative impact on the Animas. These impacts are likely related to cessation of water treatment in Gladstone and plugging of the American Tunnel. EPA has compared the last five years of data to earlier data sets that indicated improvements in water quality. The Animas River Stakeholder Group (ARSG) has summarized some of these data, and the EPA is also evaluating these data. If experience in other mining-impacted areas is any guide, the resources required for solutions to this sort of problem will be substantial, and long-term operation and maintenance of the solution or solutions may be required.

The EPA is working with other federal agencies, the State, and local community members to identify options to reverse the degradation and improve water quality in the Animas River. It is too soon to make conclusions about how best to correct this condition. However, if the best solutions require substantial and long-term resources, the CERCLA process and the NPL may be the only means to assure that full resources available to the EPA can be committed. EPA is also limited in its ability to fund interim actions and long-term projects that require